

LABEL, IN PART: "Adolphus Concentrated Broth In Dry Mechanically Pulverized Form."

NATURE OF CHARGE: Misbranding, Section 403 (j) (count 1) the Adolphus Concentrated Broth purported to be and was represented for special dietary uses by reason of its vitamin and mineral properties; and its label failed to bear as required by the regulations, a statement of the specific vitamin and mineral properties upon which such special dietary uses were based, a statement of the proportion of the minimum daily requirements for those vitamins and minerals present in the article for which minimum daily requirements had been established, and a statement of the quantity of those vitamins and minerals for which minimum daily requirements had not been established, which were present in a specified quantity of the article.

Further misbranding, Section 403 (a), certain statements in the labeling of the products known as Malt-O-Soy, Improved "B" Complex Tablets, High Potency Vitamin C Tablets, Dicalcium Phosphate and Vitamin D Tablets, Food Supplement Mineral Capsules, Vitamin C Tablets, Pure Soy Bean Lecithin and Vitamin D Capsules, and Pure Virgin Cold Pressed Wheat Germ Oil, were false and misleading.

The misbranding charged under Section 403 (a) was identical with the charges under Section 502 (a), against the same products, as reported in notices of judgment on drugs and devices, No. 2579, in which are quoted portions of the labeling.

DISPOSITION: A plea of not guilty having been entered, the case came on for trial before a jury on February 17, 1948. The trial ended on February 20, 1948, with the return by the jury of a verdict of not guilty on count 1 of the information, which related to the Adolphus Concentrated Broth, and a verdict of guilty on the other counts of the information. The court imposed a fine of \$1,800 on March 8, 1948. On the same day, the court denied the defendant's motion for a new trial and arrest of judgment.

14291. Action to enjoin and restrain the interstate shipment of Paracelsus. U. S. v. American Biochemical Corp. Injunction granted. (Inj. No. 203.)

COMPLAINT FILED: On or about November 18, 1948, Northern District of Ohio, against the American Biochemical Corp., Cleveland, Ohio. The complaint charged that the defendant had been and was continuing to ship in interstate commerce a product known as Paracelsus, which consisted essentially of a mixture of chemical salts and which was adulterated and misbranded in various respects.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, iron and calcium, had been in part omitted from the article.

Misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading. The nature of these false and misleading statements are set forth in notices of judgment on drugs and devices, No. 2553.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in the notice of judgment referred to above.

PRAYER OF COMPLAINT: That the defendant be restrained and enjoined during the pendency of the action, and permanently, from shipping in interstate commerce an article known as Paracelsus, or under any other name, which was adulterated and misbranded as alleged in the complaint.

DISPOSITION: December 10, 1948. The defendant having consented to the entry of a decree, a permanent injunction was granted enjoining and restraining the defendant from shipping in interstate commerce an article under the trade name Paracelsus, or under any other name, which was adulterated or misbranded as alleged.

14292. Adulteration and misbranding of Multi-Vitamins. U. S. v. Drum * * * . (F. D. C. No. 26402. Sample No. 12053-K.)

LIBEL FILED: January 11, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 1, 1948, by Brewer & Co., Inc., from Worcester, Mass.

PRODUCT: 1 drum, containing approximately 7,800 capsules, of Multi-Vitamins at Philadelphia, Pa. The product contained less than 2 milligrams of vitamin B.

LABEL, IN PART: (Drum) "A. B. G. Capsules Each Capsule Contains Vitamins: * * * B₂ (1 MDR) 2 mg."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent vitamin B₂, had been in whole or in part omitted.

Misbranding, Section 403 (a), the statement "Each Capsule Contains Vitamins * * * B₂ (1 MDR) 2 mg." was false and misleading as applied to an article containing less than 2 milligrams of vitamin B₂.

DISPOSITION: February 15, 1949. Default decree of condemnation and destruction.

14293. Misbranding of Lemel. U. S. v. 300 Dozen Packages * * * . (F. D. C. No. 26006. Sample No. 2748-K.)

LIBEL FILED: November 4, 1948, District of Columbia.

ALLEGED SHIPMENT: On or about October 28, 1948, by the Serutan Co., from Newark, N. J.

PRODUCT: 300 dozen packages of Lemel at Washington, D. C.

LABEL, IN PART: (Package) "Lemel 20 Packets Each Packet Contains Vitamin C Equal to 7 Lemons (Av.) Ingredients: Dextrose, lemon powder, oil of lemon, oil of lime, potassium bitartrate and tartaric acid (from grapes), potassium citrate, ascorbic acid, thiamin hydrochloride, riboflavin, niacin, niacinamide, potassium phosphate, magnesium carbonate, calcium carbonate. Lo-Calory Food Corp., New York, N. Y. Each Lemel Packet Contains: Vitamin C . . . 150 mgs. (5 MDR), Vitamin B₁ . . . 5 mgs. (5 MDR), Riboflavin . . . 2 mgs. (1MDR), Niacin . . . 25 mgs., Niacinamide . . . 25 mgs.* MDR-Minimum Daily Requirement. *Mdr not established."

NATURE OF CHARGE: Misbranding, Section 403 (a), the statement in the labeling of the article, "To fortify any beverage with * * * Vitamin B complex add 1 Lemel packet per quart," was false and misleading since the article would not supply the various factors of the vitamin B complex.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: December 15, 1948. The Lo-Calory Food Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Food and Drug Administration.